IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6389 OF 2005

Shri Yashwant Motiram Ogale, .. Petitioner

Vs

Kum Shaila Namdev Suryawanshi & ors .. Respondents

Mr S.S.Kulkarni, for the peitioner.
Ms. Sharvari Shailendra h/f Mr P.S.Dani, for the respondents.

CORAM : D.B.BHOSALE,J.
DATE : 09.10.2006

PC:

1. Heard the learned counsel for the parties.

2. This writ petition is directed against the concurrent findings recorded by the courts below on the application seeking interim injunction filed by the petitioner. The suit filed by the petitioner is for injunction simplicitor. Both the courts below after having considered the entire material on record, have refused to grant interim injunction as prayed for. Admittedly since January, 2005 there is no interim order running either in favour or against the petitioner. Keeping that in view and considering that there are concurrent findings recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of

the Constitution of India to disturb the finding of facts the present writ petition is dismissed. However, the trial Court shall decide the suit on merits in accordance with law and without being influenced by the observations made in the impugned order. Hearing of the suit is expedited.

(D.B.BHOSALE,J.)